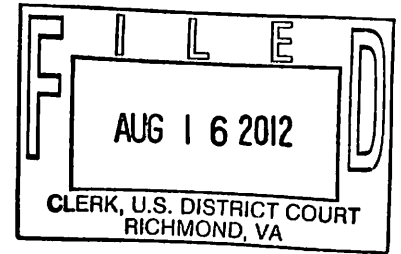


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



FREDA G. BOLLING,

Plaintiff,

v.

Civil Action No.: 3:12CV590

VIRGINIA DEPARTMENT OF HEALTH,

Defendant.

NOTICE OF REMOVAL

COMES NOW, the Virginia Department of Health, Defendant, by counsel, and hereby files this Notice of Removal of this action to the United States District Court for the Eastern District of Virginia, Richmond Division, from the Circuit Court for the City of Richmond, where this action is now pending (Case No. CL 12-3335), pursuant to Title 28, U.S. Code, Chapter 89, and for its grounds for removal, the Defendant states as follows:

1. This action was commenced in the Circuit Court for the City of Richmond, Virginia, by filing of a Motion for Judgment on July 30, 2011, and the Defendant first came aware of this lawsuit when his counsel received a copy of this lawsuit on or about August 2, 2012. (A copy of the Motion for Judgment is attached hereto).

2. Defendant, the Virginia Department of Health, is a state agency of the Commonwealth of Virginia. The main office for the VDH and its Commissioner is located in the City of Richmond, Virginia.

3. The civil action was commenced against the Defendant in the Circuit Court for the City of Richmond alleging that Plaintiff's civil rights were violated pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e-2000e-17, the Equal Pay Act and the Fair Labor Standards Act. The United States District Court for the Eastern District has original jurisdiction under 28 U.S.C. § 1331 and the action arises under the Constitution or Laws of the United States and may be removed pursuant to the provisions of 28 U.S.C. § 1441(a) as appears from the Motion for Judgment.

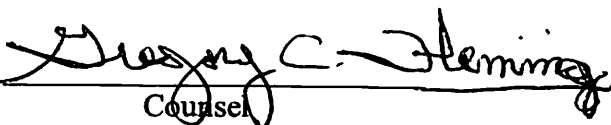
4. Defendant will give written notice of the filing of this Notice as required by 28 U.S.C. § 1446(d).

5. With this Notice, the Defendant verifies that he has tendered the filing fees for this Court and hereby agrees to pay all costs incurred by reason of removal proceedings should it be determined that his case was improperly removed.

WHEREFORE, Defendant, the Virginia Department of Health of the Commonwealth of Virginia asks that this action proceed in this Court as an action properly removed to it.

Respectfully submitted,

**VIRGINIA DEPARTMENT
OF HEALTH**

By: 
Counsel

Kenneth T. Cuccinelli, II
Attorney General of Virginia

Wesley G. Russell, Jr.
Deputy Attorney General

Peter R. Messitt
Senior Assistant Attorney General

Ronald N. Regnery
Senior Assistant Attorney General

*Gregory C. Fleming
Senior Assistant Attorney General
VSB #24819

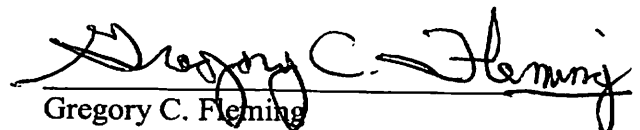
Office of the Attorney General
900 East Main Street
Richmond, VA 23219
(804) 786-5636
(804) 371-2087 (fax)

***Counsel of Record
for the Agency**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Removal, Demurrer, Plea of Sovereign Immunity, Motion to Dismiss and Notice of Filing was sent by first-class mail, postage prepaid, this 16th day of August, 2012 to:

Freda G. Bolling
2215 Q Street
Richmond, Virginia 23223


Gregory C. Fleming